

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**W Bar N Grazing Transfer**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0098-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**PROPOSED ACTION:** The proposed action is to transfer the permits for the Pawlowski Allotment (#00296) and the W Bar N Allotment (#00409), and issue the permits to the current applicants. The term of the permit for the W Bar N Allotment will be for ten years and will run from March 1, 2013 through February 28, 2023. The term of the permit for the Pawlowski Allotment will be for four years and will run from March 1, 2013 through February 28, 2017, which coincides with the dates of the base property lease. Under the proposed action the terms and conditions will be issued as outlined below.

GR# 2502255

<b>Pawlowski Allotment #00296</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Pawlowski	188	Cattle	5/01	11/28	44	Active	577

Total Active AUMs: 577

**Terms and Conditions:**

Line 1: Grazing is authorized during the listed season. Variable numbers of livestock can be used within the listed season as long as the recognized capacity of the public land in each pasture is not exceeded. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through February 28, 2023.

GR# 2502129

<b>W Bar N Allotment #00409</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Summer Pastures	276	Cattle	4/25	10/15	26	Active	411
Winter Pasture	115	Cattle	10/16	2/28	43	Active	237
	114	Cattle	3/01	4/25	43	Active	94

Total Active AUMs: 742

**Terms and Conditions:**

Line 1: Summer Pastures - includes all pastures except winter pasture.

Line 2: Winter Pasture – Grazing will occur during the listed season. Livestock numbers may vary.



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

[www.blm.gov/mt](http://www.blm.gov/mt)

In Reply Refer To:  
4100 (MTC021)  
GR# 2502255

April 19, 2013

Holen, Robert  
Box 757  
Wolf Point, MT 59201

Certified Mail No: 70113500000345171855  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Pawlowski Allotment (#00296) is located approximately 20 miles northwest of Circle, Montana in McCone County. The Pawlowski Allotment consists of 2,699 acres of BLM administered lands containing 577 AUMs of authorized active use, 440 acres of state lands, and 1,924 acres of private lands.

The allotment was assessed for and met Land Health Standards in 1999 and subsequent field visits have confirmed that the standards are being met.

In February, 2013, Robert, Janice & Chris Holen submitted to the Miles City BLM Field Office a deed showing control of the base property associated with this allotment and all other required forms have been submitted and accepted by the Miles City Field Office.

In February 2013, a Miles City Field Office BLM interdisciplinary team initiated an environmental assessment (MT-C020-2013-0098-EA) to analyze the issuance of the grazing permit to Robert Holen for the above mentioned allotment. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 28, 2013.

### PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Pawlowski Allotment (#00296) to Robert Holen. The permit will be issued for a ten year term from March 1, 2013 through February 28, 2023. The permit will be issued as follows:

GR# 2502255

Pawlowski Allotment #00296	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Pawlowski	188	Cattle	5/01	11/28	44	Active	577

Total active AUMs: 577

### Terms and Conditions:

Line 1: Grazing is authorized during the listed season. Variable numbers of livestock can be used within the listed season as long as the recognized capacity of the public land in each pasture is not exceeded.

## **RATIONALE**

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0098-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 28, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Robert Holen meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

## **AUTHORITY**

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**

**§4110.2-1 Base property.**

**§4110.2-2 Specifying permitted use.**

**§4130.2 Grazing permits or leases**

**§ 4120.2 Allotment management plans and resource activity plans.**

**§ 4120.3–2 Cooperative range improvement agreements.**

**§4130.3 Terms and conditions**

**§4130.3-1 Mandatory terms and conditions**

**§4130.3-2 Other terms and conditions**

**§4130.3-3 Modification of permits and leases**

**§4160.1 Proposed decisions**

**§4160.2 Protests**

**§4160.3 Final decisions**

**§4160.4 Appeals**

## **RIGHT OF PROTEST AND APPEAL**

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be

accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

#### **ENCLOSURES FOR REPLY**

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager  
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

AndersonK:lrn:4/16/13:Pawlowski\_Decision\_Letter\_AndersonK\_2013